

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RIVERKEEPER, INC.
Plaintiff,

v.

ALL ABOUT RECYCLING, INC; GENTILE CONSTRUCTION CORP.; ALL COUNTY MOBILE CONCRETE, INC.; JOSEPH GENTILE, JR.; and JOHN BERNAL, JR.,

Defendants.

Case No. 7:22-CV-6607

MOTION FOR STAY AND NOTICE OF LODGING OF CONSENT DECREE AS TO DEFENDANTS ALL ABOUT RECYCLING, INC.; GENTILE CONSTRUCTION CORP.; and JOSEPH GENTILE, JR.

Plaintiff Riverkeeper, Inc. (“Riverkeeper”), with the consent of Defendants All About Recycling, Inc., Gentile Construction Corp., and Joseph Gentile, Jr. (together, the “Gentile Defendants”), respectfully moves the Court to stay all future deadlines in this matter as to the Gentile Defendants. Plaintiff hereby provides notice to the Court that Riverkeeper and the Gentile Defendants have agreed to a settlement of this case. Pursuant to the federal Clean Water Act, the United States Department of Justice (“DOJ”) and the Environmental Protection Agency (“EPA”) must have a period of 45 days in which to review and provide any comments on the proposed settlement. 33 U.S.C. § 1365(c)(3); 40 C.F.R. § 135.5(b). Plaintiff has lodged a copy of the proposed Consent Decree with DOJ and EPA as required by the statute. Following the 45-day review period, the Parties will move the Court to enter the Consent Decree.

Respectfully submitted this 9th day of June, 2023.

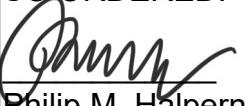
/s/ Julia Muench

Julia Muench

Application granted in part. The Gentile Defendants' time to answer or move with respect to the Complaint in accordance with the Court's Individual Practices is extended to July 28, 2023. The parties shall also file a joint status report with respect to settlement by that date.

The Clerk of Court is respectfully requested to terminate the motion sequence pending at Doc. 26.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 12, 2023

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